

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

C & J ASSOCIATES PEST CONTROL, *et al.* )  
al., )

Plaintiffs, )

v. )

BOB RILEY, *et al.*, )

Defendants. )

CIVIL ACTION NO.:  
2:06-CV-884-MEF

**DEFENDANTS' MOTION TO EXTEND SCHEDULING DEADLINES**

The Defendants<sup>1</sup> in the above referenced action move this Honorable Court to extend certain deadlines as specified in the Uniform Scheduling Order and subsequently extended by Order of this Court. In support of this motion, the Defendants state as follows:

1. The Uniform Scheduling Order (Doc. # 62), entered on January 30, 2007, imposed a number of scheduling deadlines in this matter. These included: (a) the deadline for filing summary judgment motions (September 7, 2007); (b) the completion of discovery (September 17, 2007); (c) the exchanging of witness lists (October 8, 2007); (d) the parties engaging in face-to-face settlement negotiations (October 8, 2007); (e) the identification of deposition excerpts to be used at trial (October 8, 2007); and (f) the furnishing of exhibits and tangible evidence to be used at trial (October 8, 2007).

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<sup>1</sup> Although this motion is being filed by counsel for Defendants Knox Pest Control and Linda Shelton, all defendants to this action have expressed to the undersigned their desire to join this motion.

2. On September 6, 2007, at the request of defendant Bob Riley (Doc. #86), this Court extended each of the above deadlines for a period of two months or until November 6, 2007. (Doc. # 88).

3. On March 23, 2007, the Magistrate Judge recommended the dismissal of all of the Plaintiff's claims in this action. (Doc. #70). On April 30, 2007, the Plaintiff filed his objections to the Magistrate Judge's recommendation. (Doc. # 81). The previous scheduling deadlines were extended for a period of two months in order to give the District Judge additional time to rule on the Defendants' respective motions to dismiss. To date, the District Judge has still not yet entered a dispositive ruling on the motions.

4. Given the current circumstances, the Defendants would be unable to meet the scheduling deadlines now in effect. Moreover, it would be imprudent to expend the resources of either this Honorable Court or the parties by requiring compliance with these various deadlines when there is a likelihood this case will be dismissed outright.

5. Consequently, the Defendants request this Court to enter an indefinite extension of the deadlines herein identified until such time that the District Judge rules on the Defendants' motions to dismiss. If the District Judge does not completely dismiss this action at that time, the Defendants request the Court to hold a Status Conference for the purpose of implementing a new Uniform Scheduling Order to govern this case.<sup>2</sup>

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<sup>2</sup> The Defendants are mindful that this Court has previously expressed a preference for setting "a distinct, concrete deadline in this matter." Nevertheless, they request an indefinite extension of the scheduling deadlines in the hopes of avoiding having to request another extension of the deadlines in the event that the District Judge does not rule on the motions to dismiss in the near future. The Defendants, of course, will gladly accept a two month extension of the scheduling deadlines if the Court still prefers to set a concrete deadline and, therefore, have requested such alternative relief herein.

6. Alternatively, if the Court does not enter an indefinite extension of the scheduling deadlines, the Defendants request the Court to extend all deadlines for an additional two month period.

Respectfully submitted this the 25<sup>th</sup> day of October, 2007.

/s G. Lane Knight  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon any CM/ECF participants electronically and I have mailed by United States Postal Service a copy of the foregoing document to any non-CM/ECF participants this the 25th day of October, 2007:

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